

---

STATUTORY INSTRUMENTS

---

**2014 No. 714**

**The Tuberculosis (England) (Amendment) Order 2014**

**Amendments to the Tuberculosis (England) Order 2007**

- 2.—(1) The Tuberculosis (England) Order 2007(1) is amended as follows.
- (2) In article 3 (interpretation)—
- (a) after the definition of “approved disinfectant” insert—
- ““approved veterinary surgeon” means a veterinary surgeon who is approved in accordance with article 3A;”; and
- (b) for the definition of “relevant test” substitute—
- ““relevant test” means—
- (a) a skin test; or
- (b) any other diagnostic test for tuberculosis approved by the Secretary of State;”.
- (3) After article 3 insert—

**“Approval of veterinary surgeons**

- 3A.—(1) The Secretary of State may approve a veterinary surgeon where—
- (a) the veterinary surgeon has undertaken any training as required by the Secretary of State, and
- (b) the Secretary of State is of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.
- (2) The Secretary of State may by notice revoke any such approval, giving reasons for the revocation.”.
- (4) In article 8 (tuberculosis testing)—
- (a) in paragraph (3) after the word “requirements of an inspector” insert “or approved veterinary surgeon”;
- (b) in sub-paragraph (a) of paragraph (3) after the word “inspector” insert “or approved veterinary surgeon”; and
- (c) for paragraph (5) substitute—
- “(5) The requirements on the keeper in paragraph (6) apply where—
- (a) a relevant test has been applied to a bovine animal;
- (b) the result of that test has been read by an inspector or an approved veterinary surgeon and communicated to the keeper; and
- (c) the inspector or the approved veterinary surgeon is satisfied that the test reading reveals the bovine animal to be a reactor or an inconclusive reactor.
- (6) The requirements are—

- (a) that no bovine animal be moved on or off the premises on which the reactor or inconclusive reactor is kept except under the authority of a licence issued by an inspector;
- (b) to ensure that every reactor and inconclusive reactor is isolated from other animals;
- (c) to permit every reactor to be marked by the person who read the relevant test or by an officer of the Secretary of State;
- (d) not to place any milk from a reactor dairy cow in the bulk milk tank; and
- (e) where the reactor resides on premises with a milking herd, to inform every commercial buyer which buys milk from that herd of the loss of tuberculosis-free status.

(7) An inspector may by notice amend or disapply the requirement referred to in paragraph (6)(a) or (b) at any time.

(8) The Secretary of State may treat a bovine animal (other than a bison or buffalo) as suspected of being affected with tuberculosis where—

- (a) the keeper has failed to have the animal tested as required by a notice served under paragraph (1); and
- (b) for reasons of practicability the animal has not been tested in accordance with paragraph (4) due to—
  - (i) its wild or aggressive propensity, or
  - (ii) the lack of adequate testing facilities.

(9) The inspector or approved veterinary surgeon reading the result of a relevant test which reveals a reactor or inconclusive reactor must report such test result as soon as reasonably practicable to the Secretary of State.

(10) In this article—

“inconclusive reactor” means a bovine animal that reveals a non-negative reading when tested for tuberculosis, but is not regarded as a reactor; and

“loss of tuberculosis-free status” means the herd no longer satisfies the conditions laid down in Annex A.I, paragraphs 1 and 2 of Council [Directive 64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine.”.

(5) In article 9 (pre-movement testing)—

- (a) in paragraph (1)(b) after “inspector” insert “or approved veterinary surgeon”; and
- (b) after paragraph (1) insert—

“(1A) Where a reading of the test in paragraph (1)(b) does not reveal a negative result for tuberculosis, the requirements in article 8(6) apply.”.

(6) In paragraph (1) of article 10 (tuberculosis test records) after “inspector” insert “or approved veterinary surgeon”.

(7) In article 19 (marking of bovine animals)—

- (a) for paragraph (1) substitute—

“(1) If directed to do so by an inspector or approved veterinary surgeon, the keeper must mark any bovine animal in the manner required by the inspector or approved veterinary surgeon.”; and

- (b) in paragraph (2) after “inspector” insert “or approved veterinary surgeon”.

(8) In the Schedule (permitted movements) omit paragraph 2 (common land).